

1 JUDICIARY

2  
3 EXECUTIVE BUDGET BILL  
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7 A bill to make appropriations for the judicial branch for the  
8 fiscal year ending September 30, 2010; to provide for the  
9 expenditure of these appropriations; to place certain restrictions  
10 on the expenditure of these appropriations; to prescribe the powers  
11 and duties of certain state and local departments, officials, and  
12 employees; to require certain reports; and to provide for the  
13 disposition of fees and other income received by the judicial  
14 branch.

15 THE PEOPLE OF THE STATE OF MICHIGAN ENACT:  
16

17 PART 1

18 LINE-ITEM APPROPRIATIONS

19 Sec. 101. Subject to the conditions set forth in this bill,  
20 the amounts listed in this part are appropriated for the judicial  
21 branch for the fiscal year ending September 30, 2010, from the  
22 funds indicated in this part. The following is a summary of the  
23 appropriations in this part:

24 JUDICIARY

25 APPROPRIATION SUMMARY:

26 Full-time equated exempted positions .....491.0  
27 GROSS APPROPRIATION..... \$ 262,083,200  
28 Interdepartmental grant revenues:  
29 Total interdepartmental grants and intradepartmental  
30 transfers ..... 2,573,500  
31 ADJUSTED GROSS APPROPRIATION..... \$ 259,509,700  
32 Federal revenues:  
33 Total federal revenues..... 5,126,400

1	Special revenue funds:	
2	Total local revenues.....	6,149,300
3	Total private revenues.....	842,500
4	Total other state restricted revenues.....	88,605,600
5	State general fund/general purpose.....	\$ 158,785,900
6	<b>Sec. 102. SUPREME COURT</b>	
7	Full-time equated exempted positions .....	243.0
8	Supreme court administration--97.0 FTE positions.....	\$ 11,024,900
9	Judicial institute--13.0 FTE positions.....	2,650,300
10	State court administrative office--60.0 FTE positions.	10,291,500
11	Judicial information systems--22.0 FTE positions.....	3,204,900
12	Direct trial court automation support--36.0 FTE	
13	positions .....	6,149,300
14	Foster care review board--12.0 FTE positions.....	1,268,000
15	Community dispute resolution--3.0 FTE positions.....	2,300,400
16	Other federal grants.....	275,000
17	Drug treatment courts.....	<u>5,162,800</u>
18	GROSS APPROPRIATION .....	\$ 42,327,100
19	Appropriated from:	
20	Interdepartmental grant revenues:	
21	IDG from department of community health.....	1,800,000
22	IDG from department of corrections.....	50,000
23	IDG from state police - Michigan justice training fund	300,000
24	Federal revenues:	
25	DOJ, victims assistance programs.....	50,000
26	DOJ, drug court training and evaluation.....	300,000
27	DOT, national highway traffic safety administration...	1,300,000
28	HHS, access and visitation grant.....	387,000
29	HHS, children's justice grant.....	206,300

1	HHS, court improvement project.....	1,160,000
2	HHS, title IV-D child support program.....	907,700
3	HHS, title IV-E foster care program.....	540,400
4	Other federal grant revenues.....	275,000
5	Special revenue funds:	
6	Local - user fees.....	6,149,300
7	Private.....	169,000
8	Private - interest on lawyers trust accounts.....	232,700
9	Private - state justice institute.....	370,800
10	Community dispute resolution fund.....	2,300,400
11	Law exam fees.....	536,200
12	Drug court fund.....	1,920,500
13	Miscellaneous revenue.....	227,900
14	Justice system fund.....	700,000
15	State court fund.....	339,000
16	State general fund/general purpose.....	\$ 22,104,900
17	<b>Sec. 103. COURT OF APPEALS</b>	
18	Full-time equated exempted positions .....190.0	
19	Court of appeals operations--190.0 FTE positions.....	\$ <u>19,194,700</u>
20	GROSS APPROPRIATION.....	\$ 19,194,700
21	Appropriated from:	
22	Special revenue funds:	
23	Court filing/motion fees.....	1,958,500
24	Miscellaneous revenue.....	77,800
25	State general fund/general purpose.....	\$ 17,158,400
26	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
27	Full-time equated exempted positions .....4.0	
28	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,039,400</u>
29	GROSS APPROPRIATION.....	\$ 8,039,400

1	Appropriated from:	
2	State general fund/general purpose.....	\$ 8,039,400
3	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>	
4	Full-time judges positions .....	617.0
5	Supreme court justices' salaries--7.0 judges.....	\$ 1,152,300
6	Court of appeals judges' salaries--28.0 judges.....	4,240,300
7	District court judges' state base salaries--258.0	
8	judges .....	23,877,200
9	District court judicial salary standardization.....	11,796,800
10	Probate court judges' state base salaries--103.0	
11	judges .....	9,627,900
12	Probate court judicial salary standardization.....	4,669,700
13	Circuit court judges' state base salaries--221.0	
14	judges .....	20,817,200
15	Circuit court judicial salary standardization.....	10,105,000
16	Judges' retirement system defined contributions.....	3,781,000
17	OASI, social security.....	<u>5,468,400</u>
18	GROSS APPROPRIATION.....	\$ 95,535,800
19	Appropriated from:	
20	Special revenue funds:	
21	Court fee fund.....	7,090,200
22	State general fund/general purpose.....	\$ 88,445,600
23	<b>Sec. 106. JUDICIAL AGENCIES</b>	
24	Full-time equated exempted positions .....	7.0
25	Judicial tenure commission--7.0 FTE positions.....	\$ <u>1,008,100</u>
26	GROSS APPROPRIATION.....	\$ 1,008,100
27	Appropriated from:	
28	State general fund/general purpose.....	\$ 1,008,100
29	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	

1	Full-time equated exempted positions .....	47.0	
2	Appellate public defender program--39.0 FTE positions .	\$	5,074,200
3	Appellate assigned counsel administration--8.0 FTE		
4	positions .....		<u>940,000</u>
5	GROSS APPROPRIATION.....	\$	6,014,200
6	Appropriated from:		
7	Interdepartmental grant revenues:		
8	IDG from state police - Michigan justice training fund		423,500
9	Special revenue funds:		
10	Private - interest on lawyers trust accounts.....		70,000
11	Miscellaneous revenue.....		113,100
12	State general fund/general purpose.....	\$	5,407,600
13	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>		
14	Indigent civil legal assistance.....	\$	<u>7,937,000</u>
15	GROSS APPROPRIATION.....	\$	7,937,000
16	Appropriated from:		
17	Special revenue funds:		
18	State court fund.....		7,937,000
19	State general fund/general purpose.....	\$	0
20	<b>Sec. 109. TRIAL COURT OPERATIONS</b>		
21	Court equity fund reimbursements.....	\$	67,061,900
22	Judicial technology improvement.....		<u>4,815,000</u>
23	GROSS APPROPRIATION.....	\$	71,876,900
24	Appropriated from:		
25	Special revenue funds:		
26	Court equity fund.....		50,440,000
27	Judicial technology improvement fund.....		4,815,000
28	State general fund/general purpose.....	\$	16,621,900
29	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</b>		

1	Drug case-flow program.....	\$	250,000
2	Drunk driving case-flow program.....		3,300,000
3	Juror compensation reimbursement.....		<u>6,600,000</u>
4	GROSS APPROPRIATION.....	\$	10,150,000
5	Appropriated from:		
6	Special revenue funds:		
7	Drug fund.....		250,000
8	Drunk driving fund.....		3,300,000
9	Juror compensation fund.....		6,600,000
10	State general fund/general purpose.....	\$	0

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## 13 PART 2

### 14 PROVISIONS CONCERNING APPROPRIATIONS

#### 15 GENERAL SECTIONS

16 Sec. 201. Pursuant to section 30 of article IX of the state  
 17 constitution of 1963, total state spending from state resources  
 18 under part 1 for fiscal year 2009-2010 is \$247,391,500.00 and state  
 19 spending from state resources to be paid to local units of  
 20 government for fiscal year 2009-2010 is \$124,510,500.00. The  
 21 itemized statement below identifies appropriations from which  
 22 spending to local units of government will occur:

#### 23 JUDICIARY

##### 24 SUPREME COURT

25	State court administrative office.....	\$	511,900
26	Drug treatment courts.....		4,862,800

##### 27 TRIAL COURT OPERATIONS

28	Court equity fund reimbursements.....	\$	67,061,900
29	Judicial technology improvement fund.....		4,815,000

1 JUSTICES' AND JUDGES' COMPENSATION

2	District court judicial salary standardization.....	\$	11,796,800
3	Probate court judges' state base salaries.....		9,627,900
4	Probate court judicial salary standardization.....		4,669,700
5	Circuit court judicial salary standardization.....		10,105,000
6	Grant to OASI contribution fund, employers share,		
7	social security .....		909,500

8 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

9	Drunk driving case-flow program.....	\$	3,300,000
10	Drug case-flow program.....		250,000
11	Juror compensation reimbursement.....		<u>6,600,000</u>
12	TOTAL.....	\$	124,510,500

13       Sec. 202. (1) The appropriations authorized under this bill  
14 are subject to the management and budget act, 1984 PA 431, MCL  
15 18.1101 to 18.1594.

16       (2) Funds appropriated in part 1 to an entity within the  
17 judicial branch shall not be expended or transferred to another  
18 account without written approval of the authorized agent of the  
19 judicial entity. If the authorized agent of the judicial entity  
20 notifies the state budget director of its approval of an  
21 expenditure or transfer, the state budget director shall  
22 immediately make the expenditure or transfer. The authorized  
23 judicial entity agent shall be designated by the chief justice of  
24 the supreme court.

25       Sec. 203. As used in this bill:

26       (a) "DOJ" means the United States department of justice.

27       (b) "DOT" means the United States department of  
28 transportation.

29       (c) "FTE" means full-time equated.

1 (d) "HHS" means the United States department of health and  
2 human services.

3 (e) "IDG" means interdepartmental grant.

4 (f) "OASI" means old age survivor's insurance.

5 Sec. 208. The reporting requirements of this bill shall be  
6 completed with the approval of, and at the direction of, the  
7 supreme court. The judicial branch shall use the Internet to  
8 fulfill the reporting requirements of this bill. This may include  
9 transmission of reports via electronic mail to the recipients  
10 identified for each reporting requirement, or it may include  
11 placement of reports on an Internet or Intranet site.

12 Sec. 214. Funds appropriated in part 1 shall not be used for  
13 the purchase of foreign goods or services, or both, if  
14 competitively priced and of comparable quality American goods or  
15 services, or both, are available. Preference shall be given to  
16 goods or services, or both, manufactured or provided by Michigan  
17 businesses, if they are competitively priced and of comparable  
18 quality. In addition, preference shall be given to goods or  
19 services, or both, that are manufactured or provided by Michigan  
20 businesses owned and operated by veterans, if they are  
21 competitively priced and of comparable quality.

22 Sec. 215. (1) Due to the current budgetary problems in this  
23 state, out-of-state travel for the fiscal year ending September 30,  
24 2010 shall be limited to situations in which 1 or more of the  
25 following conditions apply:

26 (a) The travel is required by legal mandate or court order or  
27 for law enforcement purposes.



1 (b) The travel is necessary to protect the health or safety of  
2 Michigan citizens or visitors or to assist other states in similar  
3 circumstances.

4 (c) The travel is necessary to produce budgetary savings or to  
5 increase state revenues, including protecting existing federal  
6 funds or securing additional federal funds.

7 (d) The travel is necessary to comply with federal  
8 requirements.

9 (e) The travel is necessary to secure specialized training for  
10 staff that is not available within this state.

11 (f) The travel is financed entirely by federal or nonstate  
12 funds.

13 (2) Not later than January 1 of each year, the state court  
14 administrative office shall prepare a travel report listing all  
15 travel by judicial branch employees outside this state in the  
16 immediately preceding fiscal year that was funded in whole or in  
17 part with funds appropriated in the budget for the judicial branch.  
18 The report shall be submitted to the senate and house of  
19 representatives standing committees on appropriations, the senate  
20 and house fiscal agencies, and the state budget director. The  
21 report shall include the following information:

22 (a) The name of each person receiving reimbursement for travel  
23 outside this state or whose travel costs were paid by this state.

24 (b) The destination of each travel occurrence.

25 (c) The dates of each travel occurrence.

26 (d) A brief statement of the reason for each travel  
27 occurrence.

28 (e) The transportation and related costs of each travel  
29 occurrence, including the proportion funded with state general

1 fund/general purpose revenues, the proportion funded with state  
2 restricted revenues, the proportion funded with federal revenues,  
3 and the proportion funded with other revenues.

4 (f) A total of all out-of-state travel funded for the  
5 immediately preceding fiscal year.

#### 7 **JUDICIAL BRANCH**

8 Sec. 301. (1) The direct trial court automation support  
9 program of the state court administrative office shall recover  
10 direct and overhead costs from trial courts by charging for  
11 services rendered. The fee shall cover the actual costs incurred to  
12 the direct trial court automation support program in providing the  
13 service, including development of future versions of case  
14 management systems. A report of amounts collected in excess of  
15 funds identified as user service charges in part 1 shall be  
16 submitted to the state budget director and to the house and senate  
17 appropriations subcommittees on judiciary 30 days before  
18 expenditure by the direct trial court automation support program.

19 (2) From funds appropriated in part 1, the direct trial court  
20 automation support program of the state court administrative office  
21 shall provide to the state budget director, the senate and house  
22 appropriations committees, and the senate and house fiscal agencies  
23 before January 1 of each year a detailed list of user service  
24 charges collected during the immediately preceding state fiscal  
25 year.

26 Sec. 302. Funds appropriated within the judicial branch shall  
27 not be expended by any component within the judicial branch without  
28 the approval of the supreme court.

1       Sec. 303. Of the amount appropriated in part 1 for the  
2   judicial branch, \$325,000.00 is allocated for circuit court  
3   reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
4   \$186,900.00 is allocated for court of claims reimbursement under  
5   section 6413 of the revised judicature act of 1961, 1961 PA 236,  
6   MCL 600.6413.

7       Sec. 306. The supreme court and the state court administrative  
8   office shall continue to maintain, as a priority, the assisting of  
9   local trial courts in improving the collection of judgments.

10      Sec. 308. If sufficient funds are not available from the court  
11   fee fund to pay judges' compensation, the difference between the  
12   appropriated amount from that fund for judges' compensation and the  
13   actual amount available after the amount appropriated for trial  
14   court reimbursement is made shall be appropriated from the state  
15   general fund for judges' compensation.

16      Sec. 310. From the funds appropriated in part 1 for drug  
17   treatment court programs, with the approval of and at the  
18   discretion of the supreme court, the state court administrative  
19   office shall evaluate and collect data on the performance of drug  
20   treatment court programs. The state court administrative office  
21   shall provide an annual review of the performance of drug courts as  
22   prescribed in section 1078(6) of the revised judicature act of  
23   1961, 1961 PA 236, MCL 600.1078. All of the following apply to that  
24   annual review:

25      (a) It shall include measures of the impact of drug court  
26   programs in changing offender criminal involvement (recidivism) and  
27   substance abuse and in reducing prison admissions.

28      (b) It shall be completed no later than April 1 of each year  
29   and shall also be provided to the senate and house appropriations

1 subcommittees on the judiciary, the senate and house fiscal  
2 agencies, and the state budget director.

3 (c) The evaluation of a program funded with federal Byrne  
4 funds shall be consistent with the requirements contained in the  
5 federal Byrne grant for that program.

6 Sec. 311. (1) The funds appropriated in part 1 for drug  
7 treatment courts shall be administered by the state court  
8 administrative office to operate drug treatment court programs. A  
9 drug treatment court shall be responsible for handling cases  
10 involving substance abusing nonviolent offenders through  
11 comprehensive supervision, testing, treatment services, and  
12 immediate sanctions and incentives. A drug treatment court shall  
13 use all available county and state personnel involved in the  
14 disposition of cases including, but not limited to, parole and  
15 probation agents, prosecuting attorneys, defense attorneys, and  
16 community corrections providers. The funds may be used in  
17 connection with other federal, state, and local funding sources.

18 (2) From the funds appropriated in part 1, the chief justice  
19 shall allocate sufficient funds for the judicial institute to  
20 provide in-state training for those identified in subsection (1),  
21 including training for new drug treatment court judges.

22 (3) For drug treatment court grants, consideration for  
23 priority may be given to those courts where higher instances of  
24 substance abuse cases are filed.

25 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula  
26 grant funding as an interdepartmental grant from the department of  
27 community health to be used for expansion of drug treatment courts,  
28 to assist in avoiding prison bed space growth for nonviolent  
29 offenders in collaboration with the department of corrections.

1           Sec. 317. Funds appropriated in part 1 shall not be used for  
2 the permanent assignment of state-owned vehicles to justices or  
3 judges or any other judicial branch employee. This section does not  
4 preclude the use of state-owned motor pool vehicles for state  
5 business in accordance with approved guidelines.